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Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
\$1,444.00 IN U.S. CURRENCY,
Defendant.

Civil No. **07 CV 2223 LAB (POR)**
COMPLAINT FOR
FORFEITURE

By way of complaint against the defendant, \$1,444.00 IN U.S. CURRENCY (hereinafter "defendant currency"), the United States of America alleges:

1. This Court has jurisdiction over this action by virtue of the provisions of Title 28, United States Code, Sections 1345 and 1355, and Title 21, United States Code, Section 881.

2. Venue is proper in this district pursuant to Title 21, United States Code, 881(j) because the acts or omissions giving rise to the forfeiture occurred in this district.

3. On March 8, 2007, members of the Narcotics Task Force were conducting an investigation of Jennifer Lynn Horsley ("Horsley") and sales of large amounts of methamphetamine. An undercover agent made contact with Horsley and requested four ounces of methamphetamine. Horsley replied that she could get only one ounce at 8:00 p.m. and maybe another two ounces at 10:00 p.m. They made an agreement to meet at a Coco's restaurant at 8:00 p.m. that evening.

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1 When the undercover agent arrived at Coco's, he observed Horsley parked at the side of the
2 restaurant. The agent exited his vehicle and entered the passenger side of Horsley's vehicle. Horsley
3 pointed to a bulging white envelope in the center console, and said "There it is." The contents of the
4 envelope were later determined to be methamphetamine. The agent took out nine 100-dollar bills and
5 handed them to Horsley. Horsley returned one of the bills, saying that an ounce is only \$800. Horsley
6 stated that next time she could sell four ounces of methamphetamine for \$3,100. The agent then left the
7 vehicle.

8 On June 26, 2007, a task force officer ("TFO") observed Horsley driving her vehicle. The TFO
9 requested a marked San Diego Police Department unit to conduct a traffic stop on Horsley. Once the
10 traffic stop was completed, Horsley was placed under arrest for the narcotics sale to the undercover
11 agent that had taken place on March 8, 2007. The TFO then searched Horsley's vehicle incident to the
12 arrest. The TFO located a law enforcement radio frequency scanner that was scanning San Diego Police
13 Department radio frequency, a San Diego County Department of Justice "unmarked car" list, and several
14 pay and owe sheets in Horsley's purse. In the search of Horsley's person incident to arrest, agents
15 located \$1,444 in her back pocket. Horsley has four prior convictions relating to the sale of narcotics.

16 4. On and/or prior to June 26, 2007, the defendant currency was a thing of value furnished
17 or intended to be furnished in exchange for a controlled substance or listed chemical in violation of
18 Title 21 of the United States Code, Section 881.

19 5. Alternatively, on and/or prior to June 26, 2007, the defendant currency represented the
20 proceeds of or proceeds traceable to an exchange for a controlled substance or listed chemical in
21 violation of Title 21 of the United States Code, Section 881.

22 6. Because of the aforementioned acts or uses alleged herein, either singly or in
23 combination, the defendant currency is subject to forfeiture pursuant to Title 21, United States Code,
24 Section 881(a)(6).

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1 7. The defendant currency is presently stored within the jurisdiction of this Court.

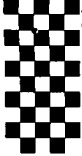
2 WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the
3 defendant, and that due notice be given to all interested parties to appear and show cause why said
4 forfeiture should not be declared.

5 DATED: 11/20/07

6 KAREN P. HEWITT
7 United States Attorney

8 *David M. McNeese*

9 DAVID M. McNEES
10 Special Assistant U.S. Attorney



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VERIFICATION

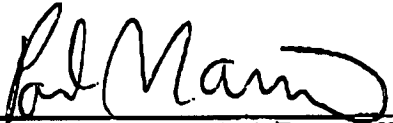
I, Paul Marino, hereby state and declare as follows:

1. I am a Task Force Officer with the United States Drug Enforcement Administration.
2. I have read the foregoing complaint and know its contents.
3. The information in the complaint was furnished by official Government sources. Based

on this information, I believe the allegations in the complaint to be true.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed on 11/20/07


PAUL MARINO, Task Force Officer
Drug Enforcement Administration

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

San Diego

DEFENDANTS

\$1,444.00 IN U.S. CURRENCY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SAUSA DAVID M. MCNEES
880 FRONT STREET, ROOM 6293
SAN DIEGO, CA 92101-8893
(619) 557-5979

ATTORNEYS (IF KNOWN)

NICHOLAS DE PENTO
550 WEST "C" STREET, SUITE 1160
SAN DIEGO CA 92101-8518
(619) 236-1151

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 881(a)(6)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 315 Airplane Product	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 320 Assault, Libel & Liability	<input type="checkbox"/> 368 Asbestos Personal Product Liability	<input checked="" type="checkbox"/> 625 Drug Related of Property 21 USC881	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce/ICC
<input type="checkbox"/> 150 Recovery of Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of of Veterans Benefits	<input type="checkbox"/> 355 Motor Vehicle Liability	<input type="checkbox"/> 510 Motions to Vacate Habeas Corpus	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal	<input type="checkbox"/> 530 General	<input type="checkbox"/> LABOR	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 710 Fair Labor Standards	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 892 Economic
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 730 Labor/Mgmt. Disclosure Act	<input type="checkbox"/> 870 Taxes (U.S. or Defendant)	<input type="checkbox"/> 893 Environmental
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443	<input type="checkbox"/> 555 Prisoner Conditions	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 790 Other Labor		<input type="checkbox"/> 895 Freedom of
<input type="checkbox"/> 230 Rent Lease &	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 900 Appeal of Fee Under Equal Access to
<input type="checkbox"/> 240 Tort to Land					<input type="checkbox"/> 950 Constitutionality of
<input type="checkbox"/> 245 Tort Product					<input type="checkbox"/> 890 Other Statutory
<input type="checkbox"/> 290 All Other Real					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removal from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY (See

JUDGE

Docket Number

DATE
11/20/07

SIGNATURE OF ATTORNEY OF RECORD

DAVID M. MCNEES, SAUSA